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DECISION



20375
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-205187

DATE: December 23, 1981

MATTER OF: James E. Wallace -- Reimbursement for Shipment
of Household Goods

DIGEST: A transferred employee whose claim for shipment of household goods was denied by the agency in accordance with para. 2-1.5a(2) of the Federal Travel Regulations because the shipment took place more than 2 years after the effective date of the transfer, may not be reimbursed. The employee reported to his new duty station before travel authorization was signed but later date may not be used for computation of 2-year period for regulations define effective date of transfer as date employee reports to new duty station (see FTR para. 2-1.4) and agency's clear intent was to transfer employee on the earlier date.

This decision is in response to a request for an advance decision from Mr. Marvin E. DeMoss, Assistant Director for Administration, Department of Energy, Region VI. Mr. DeMoss has asked whether a reclaim voucher submitted by Mr. James E. Wallace for reimbursement of the cost of shipping his household goods may be certified for payment. Mr. DeMoss reports that Mr. Wallace's claim for \$300.74 was previously disallowed because the shipment of the household goods did not take place within 2 years from the date he reported to his new duty station as required by paragraph 2-1.5a(2) of the Federal Travel Regulations (FPMR 101-7, May 1973). Mr. Wallace makes several arguments that his shipment should be considered to have occurred within the 2-year period. However, for the reasons explained below, we find that Mr. Wallace's claim must be denied.

Mr. Wallace's claim arose as the result of his transfer from Little Rock, Arkansas, to Eldorado, Arkansas. The travel authorization was dated July 10, 1978, but Mr. Wallace actually reported for duty on June 18, 1978. He did so apparently as the result of a letter dated June 9, 1978, from the Director of the Southwest District, Office of Special Counsel, which confirmed an earlier telephone conversation establishing that his appointment would be effective June 18, 1978. The file shows that Mr. Wallace's household goods were shipped on July 24, 1980. He states that this shipment

should be considered to have occurred within 2 years after his transfer because another form entitled "Trip Authorization" was signed on July 24, 1978, and he assumes the travel authorization, although dated July 10, 1978, was also signed on July 24, 1978. He encloses a copy of a guide to Government regulations concerning moving expenses which provides that an authorization for moving expenses should be signed before an employee incurs moving expenses. He argues that in light of this instruction, his transfer date should be considered to be the date of the authorizing official's signature, that is July 24, 1978. Mr. Wallace also points out that he was at his new duty station for only one day before traveling to New Orleans on a temporary duty assignment which lasted until about the middle of July. Finally, in arguing for reimbursement, Mr. Wallace states that he requested an extension of the 2-year period to August 31, 1980, which he says the agency approved on June 20, 1980.

Paragraph 2-1.5a(2) of the FTR prescribes the time limitation for the shipment of household goods as follows:

"All travel, including that for the immediate family, and transportation, including that for household goods allowed under these regulations, shall be accomplished as soon as possible. The maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of the employee's transfer or appointment...."

The effective date of an employee's transfer or appointment is defined by paragraph 2-1.4j as "The date on which an employee or new appointee reports for duty at his new or first official station." In accordance with this definition, the effective date of Mr. Wallace's transfer is June 18, 1978, and, therefore, the time period for shipment of his household goods expired before July 24, 1980, the date Mr. Wallace shipped his household goods.

Although an employee ordinarily should not incur expenses for relocation until after he has received transfer orders, we have allowed reimbursement to an employee notified of a transfer by less formal means if the expenses were incurred after a clear expression of administrative intent to

transfer him. Joan E. Marci, B-188301, August 16, 1977, and Samuel V. Britt, B-186763, October 6, 1976, and March 28, 1977. It seems clear that the administrative intent here was to transfer Mr. Wallace effective June 18, 1978. He received a letter and apparently a phone call directing him to report on that date. In addition, the travel authorization, under the heading "Remarks," provides that Mr. Wallace was officially assigned to his new duty station as of June 18, 1978. The "Trip Authorization" provides that his departure date was June 18. Thus, although Mr. Wallace's transfer papers were issued after he reported to his new duty station, that fact does not change the effective date of his transfer in light of the agency's clear intent to transfer him as of June 18, 1978.

We have consistently held that the time limitation established by FTR paragraph 2-1.5a(2) may not be waived or modified by either our Office or by an agency. Edward B. Connors, B-190202, August 14, 1978, Peter E. Donnelly, B-188292, July 8, 1977. Although Mr. Wallace states his request for an extension of the time limitation was approved, such approval would not be effective in view of the above holdings of this Office. See B-179908, June 24, 1976. We need not address Mr. Wallace's argument that the period of temporary duty should affect the running of the 2-year period since, even with the additional time, the shipment of household goods would not have begun within the prescribed 2-year period.

Although it appears that Mr. Wallace's household goods were picked up and delivered on the same day, July 24, 1980, we would like to point out that in connection with computing the 2-year period, the beginning of the transportation of household goods is the time when the mover receives the goods with an order to forward them to a particular destination. Peter E. Donnelly, *supra*, and Virgil G. Trice, B-181360, January 22, 1975. Thus, if Mr. Wallace delivered his goods to the movers on or before June 18, 1980, his claim would properly be for consideration. However, on the basis of the facts presented we must hold that his reclaim voucher may not be certified for payment.

Harry R. Ch. Clave
For the Comptroller General
of the United States